

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**MARK SHAWN SMITH,**

**Plaintiff,**

**v.**

**LORI DAVIS, PAM PACE, JEFFERY  
CATO, MICHAEL BRITT,**

**Defendants.**

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**CIVIL ACTION NO. 6:19-CV-00075-RWS**

**ORDER**


The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On May 10, 2019, the Magistrate Judge issued his Report and Recommendation (Docket No. 11), recommending that this action be dismissed without prejudice for failure to comply with a Court Order and failure to prosecute. No objections to the Report and Recommendation have been file. On June 4, 2019, the Court received a copy of the Report and Recommendation (Docket No. 11) returned as undeliverable with the notation that Plaintiff was “discharged.” Docket No. 12.

Generally, “litigants, including prisoners, bear the burden of filing notice of a change of address in such a way that will bring attention of the court to address change.” *See Martinez-Reyes v. United States*, No. 7:14-CV-341, 2016 WL 8740494, at \*4 (S.D. Tex. Oct. 10, 2016), *report and recommendation adopted*, No. 7:14-CV-341, 2017 WL 1409315 (S.D. Tex. Apr. 20, 2017) (quoting *Snyder v. Nolen*, 380 F.3d 279, 285 (7th Cir. 2004)). This requirement is memorialized in the Eastern District of Texas Local Rule CV-11(d): “A *pro se* litigant must provide the court with a physical address, i.e., a P.O. Box is not acceptable, and is responsible for keeping the clerk advised in writing of the current physical address.” Furthermore, in his initial

complaint, Plaintiff signed the declaration/notification that he was responsible to “keep the court informed” of his current mailing address and that the “failure to do so may result in the dismissal of his lawsuit.” Docket No. 1 at 5. While, the Magistrate Judge’s Report and Recommendation recommended dismissal for failure to comply with a Court Order for failure to submit an Amended Complaint, Plaintiff has further failed to follow Court Orders by not keeping the Court informed of his current address. Therefore, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 6) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge’s Report is **ADOPTED** and this action is **DISMISSED WITHOUT PREJUDICE** for failure to comply with a Court Order and failure to prosecute.

**So ORDERED and SIGNED this 17th day of June, 2019.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE